



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAE
TFW

Applicant: Roger M. Snow Examiner: Dolores R. Collins
Serial No. 10/602,015 Group Art Unit: 3712
Filed: June 23, 2003 Docket No. PA0883.ap.US
Title: METHOD OF PLAYING A POKER-TYPE WAGERING GAME WITH
MULTIPLE BETTING OPTIONS

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP: PETITIONS; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on 17 AUGUST 2004

Mark A. Litman
Name

Mark A. Litman
Signature

**PETITION UNDER 37 C.F.R. §1.54(c) FOR CLAIM FOR PRIORITY UNDER 35
U.S.C. 119 BASED UPON UNINTENTIONAL DELAY**

MAIL STOP: PETITIONS
P.O. Box: 1450
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This is a Petition under 37 C.F.R. §1.54(c) to grant Patentees a previously requested and legally available claim for priority under 35 U.S.C. §120 from intervening applications within the present stream of U.S. Priority claimed in the present claim of priority as follows:

This Petition contains:

- (1) The claim for priority under 35 USC 120;
- (2) A letter of authorization to debit Deposit Account No. 501391 for all fees and costs associated with this petition, response, and communication, including especially and specifically the surcharge set forth in 37 C.F.R. 1.17(t);

08/23/2004 AWONDAF1 00000031 501391 10602015
01 FC:1454 1330.00 DA

(3) A statement and supporting evidence that the entire delay between the date the claim was due under paragraph (a)(1) of 37 C.F.R. §1.54 and the date that the claim was filed was unintentional.

(1) This Petition and the accompanying Claim for Priority under 35 USC 120 is as follows. Patentees hereby make a claim for priority in U.S. Patent Application Serial No. 10/602,015, with the amended claim of priority shown as follows:

This Application is a continuation-in-part of U.S. Patent Application Serial No. 10/286,370, filed October 31, 2002 now abandoned, and is also a continuation-in-part of U.S. Patent Application Serial No. 10/254,628, filed September 14, 2002, now abandoned, which latter application is in turn a continuation-in-part of U.S. Patent Application Serial No. 09/928,645, filed August 13, 2001, now U.S. Patent No. 6,454,266, which is a continuation-in-part of U.S. Patent Application Serial No. 09/317,705, filed May 24, 1999, now U.S. Patent No. 6,273,424, which is a continuation-in-part of U.S. Patent Application Serial No. 08/970,966, filed November 14, 1997, now U.S. Patent No. 6,019,374, **which is a continuation of U.S. Patent Application Serial No. 08/695,640, filed August 12, 1996, now abandoned,** which is a continuation-in-part of U.S. Patent Application Serial No. 08/388,292, filed February 14, 1995, now U.S. Patent No. 5,544,892, which is a continuation-in-part of U.S. Patent Application Serial No. 08/043,413, filed April 6, 1993, now U.S. Patent No. 5,417,430, which is a continuation-in-part of U.S. Patent Application Serial No. 08/023,196, filed on February 5, 1993, now U.S. Patent No. 5,288,081.

(2) This Petition hereby authorizes the U.S. PTO to debit attorney's Deposit Account No. 501391 for all fees and costs associated with this petition, response, and communication, including especially and specifically the surcharge set forth in 37 C.F.R. 1.17(t).

(3) The entire delay between the date the claim was due under paragraph (a)(1) of this section (calculated to be October 23, 2003, the longer of 4 months from the filing date of the original U.S. Patent Application and 16 months from the filing date of the priority application) and the date when the claim for priority was

actually filed (The date of the certificate of mailing of this petition) was unintentional.

Factual Background Regarding Lack of Intent for Filing a Late Claim for Priority under 35 USC 119.

- a) The present application presently has priority granted under 35 USC 120 from a stream of eight (8) U.S. Patent Applications, each one of which has a claim for priority under 35 USC 120 from earlier applications. There was public knowledge already made public by Patentees of the claim for priority, especially as shown in U.S. Patent No. 6,109,374, which has the correct priority claim in a continuous chain to U.S. Patent No. 5,288,081.
- b) In a Patent Application (USSN 08/695,640) filed by another law firm, an obvious error in the priority chain was introduced into the claim for priority, omitting reference to an intermediate application that bridged a gap between the literally recited applications.
- c) As the intent of the claim for priority was to extend back to the application that ultimately issued as U.S. Patent No. 5,288,081, the omission of the additional intervening application in the chain (USSN 08/605,640, filed August 12, 1996) was unintentional.
- d) There was no significant benefit provided to Applicants or Patentees by not claiming the priority that had already been claimed in the previous stream of parent applications, e.g., U.S. Patent No. 6,019,374.
 - 1) As shown by the following described documents, the chain was correctly claimed to earlier applications in U.S. Patent No. 6,019,374, and the present application correctly claims priority to that U.S. Patent No. 6,019,374, establishing a continuous claim in priority in this application.
- e) Mark A. Litman, the attorney of record, has been working on nearly a day-to-day basis to correct this error since its discovery. The Amendment attempting to make the proper claim for the priority claim under 35 USC 120 is being timely filed along with this Petition.

- f) Based upon the time line between the completion of the papers for the application (filing of Missing Parts) and the filing of the request for priority, Patentees have been diligent in attempting to rectify the unintentional failure to properly claim priority rights as soon as the unintentional error was discovered.
- g) The error during the entire period was also unintentional, with Patentees showing that at earliest determination of the absence of the claim, it was sought to be corrected, there being no other motivating factors.
- h) The attorney of record states in this Petition that he is unaware of any intent to delay the claim for priority by himself or by any other person assisting in the drafting and/or prosecution of this Patent.

PETITION

Please grant this petition to provide Patentees with a claim for priority under 35 USC 120 as follows:

This Application is a continuation-in-part of U.S. Patent Application Serial No. 10/286,370, filed October 31, 2002 now abandoned, and is also a continuation-in-part of U.S. Patent Application Serial No. 10/254,628, filed September 14, 2002, now abandoned); which latter application is in turn a continuation-in-part of U.S. Patent Application Serial No. 09/928,645, filed August 13, 2001, now U.S. Patent No. 6,454,266; which is a continuation-in-part of U.S. Patent Application Serial No. 09/317,705, filed May 24, 1999, now U.S. Patent No. 6,273,424; which is a continuation-in-part of U.S. Patent Application Serial No. 08/970,966, filed November 14, 1997, now U.S. Patent No. 6,019,374; which is a continuation of U.S. Patent Application Serial No. 08/695,640, filed August 12, 1996, now abandoned; which is a continuation-in-part of U.S. Patent Application Serial No. 08/388,292, filed February 14, 1995, now U.S. Patent No. 5,544,892; which is a continuation-in-part of U.S. Patent Application Serial No. 08/043,413, filed April 6, 1993, now U.S. Patent No. 5,417,430; which is a continuation-in-part of U.S. Patent Application Serial No. 08/023,196, filed on February 5, 1993, now U.S. Patent No. 5,288,081.

If there is any need to extend the time to respond, Authorization is hereby given to charge Deposit Account Number 50-1391 if such additional extension is necessary.

Respectfully submitted,

DEREK J. WEBB, et al.

By Their Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, Minnesota 55435
(952) 832-9090

Date: 17 AUGUST 2004

By: 
Mark A. Litman Reg. No. 26,390